

AMENDED IN SENATE SEPTEMBER 4, 1997

AMENDED IN SENATE JULY 22, 1997

AMENDED IN ASSEMBLY JUNE 2, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 748**

**Introduced by Assembly Member Escutia**

February 26, 1997

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An act to add Chapter 7 (commencing with Section 60810) to Part 33 of the Education Code, relating to pupil testing.

LEGISLATIVE COUNSEL'S DIGEST

AB 748, as amended, Escutia. Bilingual education: assessment of language skills.

~~(1)~~Existing law establishes the Bilingual-Bicultural Education Act of 1976 (act), which became inoperative on June 30, 1987. Existing law specifies that if the Legislature does not enact legislation to continue that act, among other acts, the funding for the bilingual-bicultural program shall continue for the general purposes of the program but all relevant statutes and regulations regarding the use of the funds are not operative except those regarding the establishment of a schoolsite council and its functions and responsibilities. The act specifies that its purposes are to require school districts to offer bilingual learning opportunities to each pupil of limited English proficiency enrolled in the public schools and to provide adequate supplemental financial support to achieve that goal.

This bill would require the Superintendent of Public Instruction to develop, as specified, a test or series of review existing tests that assess the English language development, as specified, of pupils whose primary language is a language other than English. ~~The test or series of tests would be required to~~ and to determine if those tests, among other things, have sufficient range to assess, as specified, the English language development of pupils in kindergarten and grades 1 to 12, inclusive, to provide sufficient information about pupils at each grade level to determine levels of proficiency, to have psychometric properties of reliability and validity deemed adequate by technical experts, ~~to be~~ are capable of administration to pupils with any primary language other than English and capable of administration by classroom teachers, and to yield scores that allow comparison of a pupil's growth over time, can be tied to readiness for various instructional options, and can be aggregated for use in the evaluation of program effectiveness. *If any existing test or series of tests meets these criteria, the bill would require the superintendent, with approval of the State Board of Education, to report to the Legislature on its findings and recommendations. If no suitable test exist, the bill would require the superintendent to explore the option of a collaborative effort with other states to develop a test or series of tests and would authorize the superintendent, with approval the State Board of Education, to contract with a local education agency to develop a test or series of test or to contract to modify an existing test or series of tests. The bill would require the superintendent to identify or develop the test or series of tests by January 1, 1999, and to report, as specified, to the Legislature on the progress being made in that regard.*

~~This bill would require the Superintendent of Public Instruction to review existing tests of English language development to determine if they correspond to the standards for English language development adopted by the State Board of Education and produce scores that are reliable and valid. If any existing test or tests would be suitable, the superintendent would be authorized to contract to acquire rights to the test. If no suitable test exists, the superintendent~~

~~would be authorized to contract to develop a test or series of tests that meet requirements above. The bill would require the test or series of tests to be made available without cost to every school district.~~

~~This bill would require the test of English language development to be administered by each school district to every pupil whose primary language is a language other than English and to be administered at least annually to these pupils, thereby creating a state-mandated local program.~~

~~This bill would require the State Board of Education to approve standards, as specified, for English language development for pupils whose primary language is a language other than English.~~

~~This bill would require that pupils identified initially as limited English proficient meet the statewide academically rigorous content and performance standards adopted by the State Board of Education for all pupils in all areas, except as specified.~~

~~This bill would provide that funding for the purposes of this measure is contingent on an appropriation in the annual Budget Act.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes-no.~~

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 7 (commencing with Section  
2 60810) is added to Part 33 of the Education Code, to read:  
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## CHAPTER 7. ASSESSMENT OF LANGUAGE DEVELOPMENT

60810. (a) *(1) The Superintendent of Public Instruction shall ~~develop a test or series of tests~~ review existing tests that assess the English language development of pupils whose primary language is a language other than English. The ~~test or series of~~ tests shall include, but not be limited to, an assessment of achievement of these pupils in English reading, speaking, and written communication. In developing the test or series of tests, the superintendent shall use the standards for English language development adopted by the State Board of Education pursuant to Section 60811. and written skills. The superintendent shall determine which tests, if any, meet the requirements of subdivisions (b) and (c). If any existing test or series of tests meets these criteria, the superintendent, with approval of the State Board of Education, shall report to the Legislature on its findings and recommendations.*

*(2) If no suitable test exists, the superintendent shall explore the option of a collaborative effort with other states to develop a test or series of tests and share test development costs. If no suitable test exists, the superintendent, with approval of the State Board of Education, may contract with a local education agency to develop a test or series of tests that meets the criteria of subdivisions (b) and (c) or may contract to modify an existing test or series of tests so that it will meet the requirements of subdivisions (b) and (c).*

*(3) The superintendent shall identify or develop the test or series of tests by January 1, 1999, and shall report to the Legislature regarding the progress being made in identifying or developing the test or series of tests by June 1, 1998. The report shall include recommendations to the Legislature regarding the implementation of the test or series of tests at the local level, including required resources.*

*(b) The test or series of tests developed or acquired pursuant to subdivision (a) shall have sufficient range to assess pupils in kindergarten and grades 1 to 12, inclusive,*

1 in English reading, speaking, and written  
2 ~~communication~~ *skills*, except that pupils in kindergarten  
3 and grade 1 shall be assessed in reading and written  
4 communication only to the extent that comparable  
5 standards and assessments in English and language arts  
6 are used for native speakers of English.

7 (c) The test or series of tests shall meet all of the  
8 following requirements:

9 (1) Provide sufficient information about pupils at each  
10 grade level to determine levels of proficiency ranging  
11 from no English proficiency to fluent English proficiency  
12 with at least two intermediate levels.

13 (2) Have psychometric properties of reliability and  
14 validity deemed adequate by technical experts.

15 (3) Be capable of administration to pupils with any  
16 primary language other than English.

17 (4) Be capable of administration by classroom  
18 teachers.

19 (5) Yield scores that allow comparison of a pupil's  
20 growth over time, can be tied to readiness for various  
21 instructional options, and can be aggregated for use in the  
22 evaluation of program effectiveness.

23 ~~(d) The Superintendent of Public Instruction shall~~  
24 ~~review existing tests of English language development to~~  
25 ~~determine if any existing test or series of tests correspond~~  
26 ~~in whole or in part to the standards for English language~~  
27 ~~development adopted by the State Board of Education~~  
28 ~~pursuant to Section 60811 and produce scores that are~~  
29 ~~reliable and valid. If any existing test or series of tests~~  
30 ~~would be suitable, the superintendent may contract to~~  
31 ~~acquire rights to the test or series of tests. If no suitable~~  
32 ~~test exists, the superintendent may contract to develop a~~  
33 ~~test or series of tests that meet the requirements of~~  
34 ~~subdivisions (a) and (b). The test or series of tests shall be~~  
35 ~~made available without cost to every school district for~~  
36 ~~the uses set forth in subdivision (f).~~

37 ~~(e) The test of English language development shall be~~  
38 ~~administered by each school district to every pupil whose~~  
39 ~~primary language is a language other than English upon~~  
40 ~~the pupil's enrollment in the school district and shall be~~

1 ~~administered at least annually to all pupils initially~~  
2 ~~identified by the test or series of tests as other than fluent~~  
3 ~~English proficient.~~

4 ~~(f) The test shall be used for the following purposes:~~

5 ~~(1) To identify pupils who are limited English~~  
6 ~~proficient.~~

7 ~~(2) To determine the instructional program offered by~~  
8 ~~the school district that would be most appropriate for a~~  
9 ~~pupil who is identified as limited English proficient.~~

10 ~~(3) To assess the progress of limited English proficient~~  
11 ~~pupils in acquiring the skills of reading, speaking, and~~  
12 ~~writing in English.~~

13 ~~(4) To determine when a pupil should appropriately~~  
14 ~~be included in the English language statewide test of~~  
15 ~~applied academic skills.~~

16 ~~(5) To determine in what language the pupil should be~~  
17 ~~tested for purposes of the assessment of achievement of~~  
18 ~~basic academic skills pursuant to Section 60604.~~

19 ~~(6) Not discriminate on the basis of race, ethnicity, or~~  
20 ~~gender.~~

21 ~~(7) Be aligned with the standards for English language~~  
22 ~~development adopted by the State Board of Education~~  
23 ~~pursuant to Section 60811.~~

24 ~~(d) The test shall be used for the following purposes:~~

25 ~~(1) To identify pupils who are limited English~~  
26 ~~proficient.~~

27 ~~(2) To determine the level of English language~~  
28 ~~proficiency of pupils who are limited English proficient.~~

29 ~~(3) To assess the progress of limited-English-proficient~~  
30 ~~pupils in acquiring the skills of listening, reading,~~  
31 ~~speaking, and writing in English.~~

32 60811. The State Board of Education shall approve  
33 standards for English language development for pupils  
34 whose primary language is a language other than English.  
35 The standards shall be comparable in rigor and specificity  
36 to the standards for English language arts adopted  
37 pursuant to Section 60605 in speaking, reading, and  
38 written communication.

39 ~~60812. Pupils identified initially as limited English~~  
40 ~~proficient on the basis of their performance on the~~

~~English language development test administered pursuant to this chapter shall meet the statewide academically rigorous content and performance standards adopted by the State Board of Education for all pupils pursuant to Section 60605 in all areas, except as the standards for English language development differ from the standards for English and language arts adopted by the State Board.~~

SEC. 2. Funding for the purposes of Chapter 7 (commencing with Section 60810) of Part 33 of the Education Code as enacted by this act is contingent on an appropriation in the annual Budget Act.

~~SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~

~~Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution. It is the intent of the Legislature that funds appropriated for the purposes of contracting for the development of tests pursuant to paragraph (1) of subdivision (a) of Section 60810 of the Education Code shall constitute moneys applied by the state for the support of school districts for the purposes of Section 8 of Article XVI of the California Constitution.~~

CORRECTIONS

Text — Pages 5 and 6.

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